

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 87-223-E - ORDER NO. 91-3  
JANUARY 7, 1991

IN RE: Generic Proceeding to Address Least     )  
Cost Planning Procedures for                     ) ORDER  
Jurisdictional Electric Utilities               )

On November 15, 1990, the Consumer Advocate for the State of South Carolina (the Consumer Advocate) filed a Motion to Compel Duke Power Company (Duke) to answer Consumer Advocate's Interrogatory Set No. 4 in the above-captioned docket. Also, on November 15, 1990, the Consumer Advocate filed a Motion to Compel Carolina Power and Light Company (CP&L) to answer Consumer Advocate's Interrogatory Sets No. 3, 4, and 5. Responses were filed to the Motions to Compel by both Duke and CP&L.

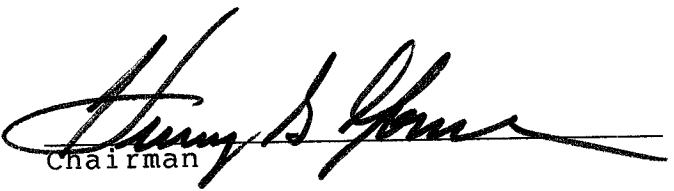
The Commission finds that the Motions to Compel of the Consumer Advocate should be granted with certain qualifications.

If it would be extremely burdensome for Duke and CP&L to send some of the responses to the Consumer Advocate due to the voluminous amount of material that must be provided, Duke and CP&L can make these documents available at their offices at a time mutually convenient to the parties. Duke and CP&L should only require the Consumer Advocate to come to their offices to review documentation if the voluminous nature of the documentation makes it absolutely impractical to send it to the Consumer Advocate.

Duke indicated that it has already answered or has no information as to Interrogatories 4.24, 4.26, and 4.27. CP&L asserted the same as to 4.6 and 4.27. CP&L must answer 4.17 to the extent it already has the information but does not have to perform additional studies. Duke alleges that 4.8 & 4.9 request confidential information and that the information should be provided only under a confidentiality agreement. CP&L alleged the same as to 3.39, 4.2, 4.3, 4.8, and 4.9. CP&L alleged that the responses to 4.21 and 4.22 should not be supplied at all due to their confidential nature. The Commission finds that the confidential documents must be provided if the Consumer Advocate executes a confidentiality agreement.

With the exception of the above qualifications, the Commission finds that the documents requested by the Consumer Advocate are relevant for purposes of discovery and should be provided to the Consumer Advocate within twenty (20) days of the date of this Order.

BY ORDER OF THE COMMISSION:

VICE   
Chairman

ATTEST:

  
Executive Director

(SEAL)